

This is the non-final Office action for the serial number 10/814,586, METHODS AND APPARATUSES FOR ASSEMBLING RAILINGS, filed on 4/1/04.

The allowability of claims 97, 105-106, 112 and 115-127 has been withdrawn in view of new ground of rejection, any inconvenience is regretted.

Claim Objections

Claims 125-127 are objected to because of the following informalities: Claims 125-127, line 2, "is" should be changed to ---are--- for clarification. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

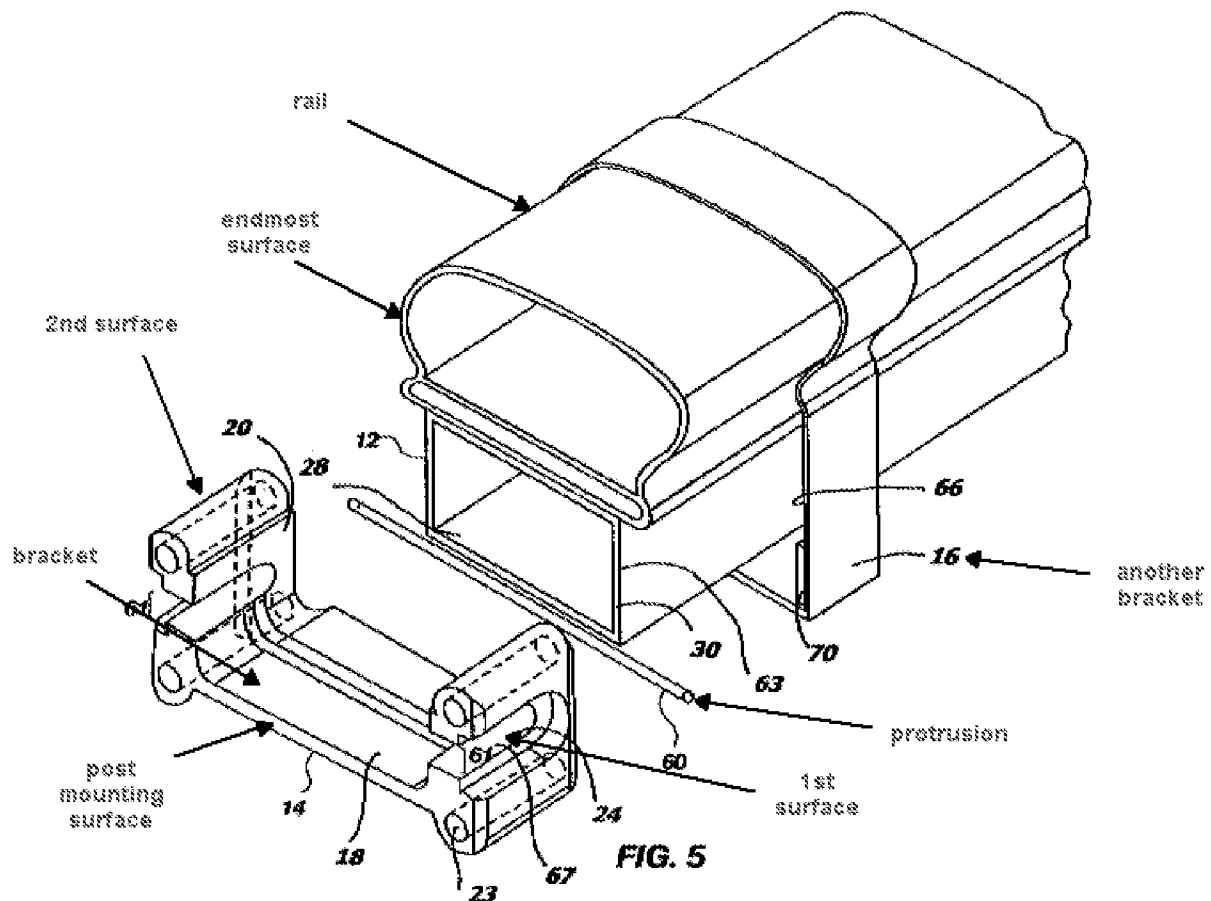
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 97, 99, 106, 112-115, 117-118, 122, 124-125 and 127 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 7,048,259 to Quaintance et al.

Quaintance et al teaches a rail (12), a post (10) and a bracket (14) for mounting the rail to the post. The bracket comprises a post surface at least a portion of which is configured to abut a mounting surface of the post. The bracket includes at least two surfaces configured to be associated with and not parallel to the post surface of the bracket. A first surface (24) of the at least two surfaces is configured to accommodate the rail mounted to the post in a first

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configuration. A second surface of the at least two surfaces is configured to accommodate the rail mounted to the post in a second configuration different from the first configuration. The first surface is configured to receive and retain a first surface of another bracket (16 and 70). The first surface includes at least one protrusion (60) configured to assist the first surface in receiving and retaining the first surface of another bracket. The first surface forms about a 90 degree angle with the post surface. The rail includes endmost surface which is substantially parallel to the mounting surface. The rail surrounds the at least surfaces. The first configuration and the second configuration and an endmost surface of the rail are in physical contact with the mounting surface of the post.



Allowable Subject Matter

Claims 98, 100-102 and 119-121 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 105, 107-111, 116, 123 and 126 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 97-105-106, 112 and 115-127 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (571) 272-6827 or send e-mail to the examiner at Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (571) 273 8300.

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